

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CATHY CALDWELL, an individual,

Plaintiff,

v.

SMART ALABAMA, LLC, a legal entity,

Defendant.

CIVIL ACTION NO. 2:06 CV 1088-
MHT

REPORT OF PARTIES' PLANNING MEETING

Pursuant to Fed. R. Civ. P. 26(f), a meeting of the parties' representatives was held via telephone on January 8, 2007, and was attended by:

Richard Horsley for Plaintiff, Cathy Caldwell

Ronald W. Flowers, Jr. for Defendant, SMART Alabama, LLC

1. Pre-Discovery Disclosures.

The parties will exchange by January 29, 2007 the information required by Fed. R. Civ. P. 26(a)(1).

2. Synopsis of the Case: The case synopses will be provided in a revised Report of Parties Planning Meeting to be filed next week.

Plaintiffs' Position:

Defendant's Position:

3. Discovery Plan.

Plaintiff's position: Plaintiff needs discovery on the Plaintiff's claims, damages and Defendant's defenses.

Defendant's position: Defendant needs discovery on the Plaintiff's claims, damages and facts in support of Defendant's defenses.

The parties jointly propose to the court the following discovery plan:

All discovery commenced in time to be completed by October 26, 2007.

Interrogatories

Maximum of 25 interrogatories by each party to any other party. Responses due 30 days after service.

Requests for Admission

Maximum of 25 requests for admission by each party to any other party. Responses due 30 days after service.

Requests for Production of Documents:

Maximum of 25 requests for production by each party. Responses due 30 days after service.

Depositions:

Maximum of 6 depositions by Plaintiff and 6 depositions by Defendant.

Each deposition is limited a maximum of 7 hours unless extended by agreement of parties.

Reports of retained experts under Rule 26(a)(2) due:

From Plaintiff: June 1, 2007

From Defendant: July 1, 2007

Supplementations under Rule 26(e) due no later than 30 days before discovery concludes.

4. Other Items.

Settlement: The parties do not wish to attempt ADR at this juncture of the case inasmuch discovery in this matter has not yet begun and settlement cannot be evaluated prior to close of discovery. The parties may discuss settlement of this case at a later date.

Conference: The parties do not request a conference with the court before entry of the scheduling order.

The parties request a pretrial conference 60 days prior to trial.

Join Additional Parties and Amendments: Plaintiff should be allowed until February 1, 2007 to join additional parties and amend the pleadings. Defendant should be allowed until February 15, 2007 to join additional parties and to amend the pleadings.

Dispositive Motions: All potentially dispositive motions should be filed by September 28, 2007.

Final Lists of witnesses and exhibits: Final lists of witnesses and exhibits under Rule 26(a)(3) should be due:

From Plaintiff: 30 days prior to trial

From Defendant: 30 days prior to trial

Parties should have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

Trial:

The case should be ready for trial February 2008 and at this time is expected to take approximately 2-3 days.

Electronic Information:

To the extent that it exists, the parties will produce relevant, non-privileged information in PDF format.

/s/ Richard Horsley
Richard Horsley
Attorney for the Plaintiff

OF COUNSEL:

Richard F. Horsley, Esq.
Goozee, King & Horsley
Shades Brook Building, Suite 200
3300 Cahaba Road
Birmingham, Alabama 35223

/s/ Ronald W. Flowers, Jr.

Marcel L. Debruge (DEB006)

Ronald W. Flowers (FLO031)

Attorneys for Defendant

SMART ALABAMA, LLC

OF COUNSEL:

BURR & FORMAN LLP

420 North 20th Street, Suite 3100

Birmingham, Alabama 35203

Telephone: (205) 251-3000

Facsimile: (205) 458-5100